

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 12.9.1105 pertaining to hunting) PROPOSED AMENDMENT
season extensions)

TO: All Concerned Persons

1. On June 27, 2007, at 7:00 p.m. the Fish, Wildlife and Parks Commission (commission) will hold a public hearing at the Department of Fish, Wildlife and Parks, 1420 East Sixth Avenue, Helena, Montana to consider the proposed amendment of the above-stated rule.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., June 13, 2007, to advise us of the nature of the accommodation that you need. Please contact Quentin Kujala, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana 59620-0701; telephone (406) 444-5672; fax (406) 444-4952; or e-mail qkujala@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

12.9.1105 HUNTING SEASONS EXTENSIONS (1) The commission may determine that the extension of a hunting season may be an acceptable strategy to achieve deer or elk management objectives under the following conditions:

(a) a liberal general season deer or elk management package has been in place for two consecutive years, including the year in which the extension is proposed. A liberal season package is established when populations observed in department surveys exceed management objectives. Season packages for deer and elk are numerically described in the department's current Deer and Elk Plans;

(b) elk populations are 20% or more over the current department Elk Plan population objectives as determined by department survey, or deer populations are 20% - 30% over the current department Deer Plan population objectives as determined by department survey and as specifically identified in the five ecotypes described in the Deer Plan;

(c) public hunting access during the five-week general hunting season was at levels necessary to accomplish harvest management objectives, but management objectives were still not achieved; and

(d) ~~mild weather conditions during the fall hunting season result in a harvest that is at least 25% below the five-year average for that check station.~~ weather conditions during the fall hunting season result in a harvest that was substantially below the desired level in districts that are over objective. Evaluation of harvest may include, but is not limited to, field observations, check stations, weather conditions, or public comments.

(2) Additionally, the commission may consider season extensions in the event of severe winter weather conditions, and these conditions create a situation where game damage complaints occur across multiple hunting districts or represent real opportunity to secure additional needed harvest in districts that are over objective.

(3) through (5) remain the same.

AUTH: 87-1-301, MCA

IMP: 87-1-301, MCA

4. The hunting season extensions rule, ARM 12.9.1105, was adopted in December of 2004. The purpose of the rule was to establish criteria to guide the department and commission in determining when a hunting season may be extended. After having the rule effective for two hunting seasons, it became apparent that adjustment of the rule was necessary.

The existing rule states that mild weather conditions during a fall hunting season that result in a harvest 25% below the five-year average is one of the conditions that must occur for a hunting season to be extended. However, for almost a decade, fall hunting seasons have been mild. Several years of mild weather and low game harvest have skewed the five-year harvest averages to be much lower than they would have been if a more normal pattern had been in effect. When game harvest has been low and game numbers remain high, the skewed averages have not allowed the hunting season extension rule to be triggered.

The rule amendments provide for an annual evaluation of the game harvest and game populations. This allows wildlife managers the flexibility needed to effectively manage game populations during unusual conditions. Under this proposal, skewed averages would not limit the department and commission's ability to extend a hunting season when an extension would be beneficial. This proposal also allows managers to take advantage of a weather event that would promote harvest of game to reach management objectives.

5. Concerned persons may submit their data, views, or arguments concerning the proposed amendment either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Quentin Kujala, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana 59620-0701; telephone (406) 444-5672; fax (406) 444-4952; or e-mail qkujala@mt.gov, and must be received no later than July 5, 2007.

6. Rebecca Dockter, or another hearings officer appointed by the department, has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make written request which includes the name and mailing address of the person to receive the notice and specifies the subject or

subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

/s/ Jeff Hagener

M. Jeff Hagener

Secretary

Fish, Wildlife and Parks Commission

/s/ Rebecca Dockter

Rebecca Dockter

Rule Reviewer

Certified to the Secretary of State May 29, 2007.